

**THE DISTRICT OF COLUMBIA  
ALCOHOLIC BEVERAGE CONTROL BOARD**

In the Matter of:	)	
Sizzling Express III, Inc.	)	
t/a Sizzling Express	)	
Application for Renewal of a	)	
Retailer's Class CR License	)	License No. ABRA-026739
at premises	)	Order No. 2011-399
600 Pennsylvania Avenue, S.E.	)	
Washington, D.C. 20003	)	

Sizzling Express III, Inc., t/a Sizzling Express (Applicant)

Dave Garrison, Chairperson, Advisory Neighborhood Commission (ANC) 6B

**BEFORE:** Nick Alberti, Interim Chairperson  
Donald Brooks, Member  
Herman Jones, Member  
Calvin Nophlin, Member  
Mike Silverstein, Member

**ORDER ON VOLUNTARY AGREEMENT**

The official records of the Alcoholic Beverage Control Board (Board) reflect that Sizzling Express III, Inc., t/a Sizzling Express, has submitted an Application to renew its Retailer's Class CR License located at 600 Pennsylvania Avenue, S.E., Washington, D.C., and ANC 6B, have entered into a Voluntary Agreement (Agreement), dated May 11, 2010, that governs the operation of the Applicant's establishment.

The Agreement has been reduced to writing and has been properly executed and filed with the Board. The Applicant and Chairperson Dave Garrison, on behalf of ANC 6B, are signatories to the Agreement.

Accordingly, it is this 5<sup>th</sup> day of October 2011, **ORDERED** that:

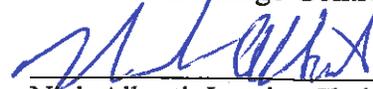
1. The above-referenced Voluntary Agreement submitted by the Applicant and ANC 6B to govern the operations of the Applicant's establishment is **APPROVED** and **INCORPORATED**, except for the following modification:

Section 7: The following sentence shall be modified to read as follows:  
"Applicant shall provide proof of its rat and vermin control contract upon the request of the Board."

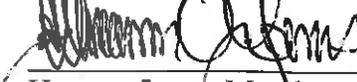
2. Copies of this Order shall be sent to the Applicant and ANC 6B.

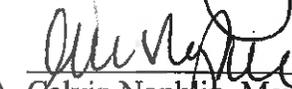
**Sizzling Express III, Inc.**  
**t/a Sizzling Express**  
**License No. ABRA-026739**  
**Page 3**

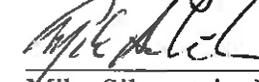
District of Columbia  
Alcoholic Beverage Control Board

  
\_\_\_\_\_  
Nick Alberti, Interim Chairperson

  
\_\_\_\_\_  
Donald Brooks, Member

  
\_\_\_\_\_  
Herman Jones, Member

  
\_\_\_\_\_  
Calvin Nophlin, Member

  
\_\_\_\_\_  
Mike Silverstein, Member

Pursuant to 23 DCMR § 1719.1 (April 2004), any party adversely affected may file a Motion for Reconsideration of this decision within ten (10) days of service of this Order with the Alcoholic Beverage Regulation Administration, 2000 14<sup>th</sup> Street, N.W., Suite 400S, Washington, DC 20009.



703 D Street, SE  
Washington, DC 20003  
202.543.3344  
FAX 202.543.3507

May 19, 2010

**OFFICERS**

Chairperson  
*David Garrison*

Vice Chairperson  
*Ken Jarboe*

Secretary  
*Kirsten Oldenburg*

Treasurer  
*Carol Green*

Parliamentarian  
*Neil Glick*

Charles Brodsky, Chair  
ABC Board  
C/o Martha Jenkins  
1250 U Street, NW, 3<sup>rd</sup> Floor  
Washington, DC 20002

**RE: Sizzling Express  
Application # ABRA-26739  
600 Pennsylvania Ave., SE  
Cooperative (Voluntary) Agreement**

Dear Mr. Brodsky:

**COMMISSIONERS**

SMD 1 *David Garrison*  
SMD 2 *Mary Wright*  
SMD 3 *Norman Metzger*  
SMD 4 *Kirsten Oldenburg*  
SMD 5 *Kenan Jarboe*  
SMD 6 *Will Hill*  
SMD 7 *Carol Green*  
SMD 8 *Neil Glick*  
SMD 9 *Michael Patterson*  
SMD 10 *Francis Campbell*  
SMD 11 *Vacant*

At its regularly scheduled and properly noticed meeting on May 11, 2010, with a quorum present, ANC 6B voted unanimously (7 to 0) to support the Application to renew Sizzling Express License, pending the Applicant signing a Cooperative (Voluntary) Agreement. To this end, enclosed is the Cooperative (Voluntary) Agreement that has been executed by Sizzling Express and ANC 6B for your review and approval.

Please contact me should you have any questions regarding this matter.

Sincerely,

A handwritten signature in black ink that reads "David F. Garrison". The signature is written in a cursive, flowing style.

David F. Garrison  
Chair, ANC 6B

Enclosure: Cooperative (Voluntary) Agreement

## VOLUNTARY (COOPERATIVE) AGREEMENT

THIS VOLUNTARY AGREEMENT is made on this 11<sup>th</sup> day of May, 2010 by and between, Sizzling Express, Inc., t/a Sizzling Express, Applicant, and Advisory Neighborhood Commission 6B, (Collectively, the "Parties").

### WITNESSETH

WHEREAS, Applicant's license renewal for premises, 600 Pennsylvania Ave, SE, Washington, DC, 20003, is now pending before the District of Columbia Alcoholic Beverage Control Board (ABC); and,

WHEREAS, the premises is within the boundaries of the ANC, and,

WHEREAS, the Parties desire to enter into an agreement governing certain understandings regarding the issue of a Retailers' Class "C" Restaurant Liquor License at the subject premises; and,

WHEREAS, the Parties are desirous of entering into a Voluntary Agreement pursuant to D.C. Official Code § 25-446 for the operation and maintenance of the Establishment in such a manner as to promote the peace, order and quiet of the neighborhood. Both parties recognize the importance of business neighborhoods that are safe, clean, and "pedestrian friendly".

NOW, THEREFORE, the parties agree as follows:

1. ***Recitals Incorporated.*** The recitals set forth above are incorporated herein by reference.
2. ***Nature of the Business.*** The Applicant will manage and operate a CR license in accordance with the terms of its license. There shall be no live music, or live entertainment at any time.
3. ***Hours of Operation and Sales.*** The Applicant's hours of operation shall be as follows:  

Monday through Sunday      8:00 a.m. – 10:00 p.m.
4. ***Floors Utilized and Occupancy.*** The Applicant will operate its establishment according to the occupancy indicated on the Certificate of Occupancy issued by the Department of Consumer and Regulatory Affairs.
5. ***Noise and Privacy.*** Applicant will strictly comply with D.C. Official Code § 25-725 and to that end shall make architectural improvements to the property and take all necessary actions to ensure that music, noise and vibration from the Establishment are not audible

outside the establishment at any time. Applicant agrees to keep its doors and windows closed when music is being played at the establishment. If necessary, Applicant will take reasonable steps to reduce noise emanating from the Establishment from the opening of the entry or exit doors.

6. **Public Space and Trash.** Applicant shall keep the sidewalk (up to and including the curb), tree box(es), curb, and alley clean and free of litter, bottles, and other debris in compliance with D.C. Code and Municipal Regulations. Applicant shall police these areas sufficiently to assure that refuse and other materials are promptly removed. Applicant shall ensure that the area around the dumpster is kept clean at all times and the dumpster is placed such that it does not encroach on the abutting property owners and that no garbage is placed on the abutting property. Applicant will ensure timely disposal that is the least disruptive to the neighbors. Commercial trash pick up in residential areas takes place between 7 a.m.-7 p.m.
7. **Rats and Vermin Control.** The Applicant shall provide rat and vermin control for its property. Applicant shall provide proof of its rat and vermin control contract upon the request of the Protestants. Applicant shall have the Establishment and the area around the Premises properly cleaned at the end of each night to ensure that there are not garbage and odors present the following morning.
8. **Security Cooperation in Stemming Illegal Drugs and Public Drinking.** Applicant agrees that it shall take all necessary steps to minimize such problems, including, without limitation, designating a sufficient number of employees to assure adequate security and to control unruly patrons, whether inside or in the immediate outside area; monitoring for and prohibiting sales or use of illegal drugs within or about the Premises, maintaining contact and cooperating with MPD and other enforcement officials when known or suspected drug activities occur. Applicant shall to the full extent permissible by law discourage loitering in the vicinity of the Premises. This will include providing an appropriate number of security officers, at all times when the Establishment is open to the public, who shall be responsible for ensuring that any individuals who are simply loitering are asked to move along.
9. **Compliance with ABRA Regulations.** Applicant promises that it shall abide by all Alcoholic Beverage Regulations Administration (ABRA) regulations regarding the ownership of the license and all other provisions applicable to liquor licensees.

IN WITNESS WHEREOF, the parties have affixed hereunto their signatures.

Applicant: Sizzling Express, Inc.  
600 Pennsylvania Ave, SE  
Washington, DC 20003  
Gary Hang, Owner

 (signature)

ANC:

Advisory Neighborhood Commission

703 D Street, SE

Washington, DC 20003

Dave Garrison, Chairperson

(202) 543-3344

Fax (202) 543-3507

 (signature)